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09/997,018	11/20/2001	Peter Wilens	PRW-100-A	6128

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT PAPER NUMBER

2161

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,018

Applicant(s)

WILENS, PETER

Examiner

Haythim J. Alaubaidi

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 20-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,20,22 and 32-34 is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10, 23-31 and 35 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a Non-Final Office Action in response to the amendment filed on November 18, 2004.
2. Claims 1-10 and 20-35 are presented for examination following the amendment filed on November 18, 2004.
3. The Examiner acknowledges the cancellation of Claims 11-19.
4. The Examiner acknowledges the new added claims 21-35.
5. Claims 1, 4, 20, 23 and 32-35 are Independent claims.
6. Claims 23-31, are rejected under 35 U.S.C. 102(e).
7. Claims 1-3, 6-10 and 35 are rejected under 35 U.S.C. 103(a).
8. Claims 4-5, 20, 22 and 32-34 are allowed over the prior art of record.
9. Dependent Claim 21, would be allowable if rewritten to overcome the minor informality rejection stated in this Office action.

Continued Examination Under 37 CFR 1.114

10. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 18, 2004 has been entered.

Claim Objections

10. Claim 21, is objected to because of the following informalities: Claim 21 appears to be dependent on it self, when in fact it should be dependent on Claim 20.

Appropriate correction is required. For purpose of examination, the Examiner treated Claim 21, as if it depends on Claim 20.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 23-31, are rejected under 35 U.S.C. 102(e) as being anticipated by Michael Olivier (U.S. Patent No. 6,480,885 and Olivier hereinafter).

Regarding Claims 23 and 25-26, Oliver discloses:

providing a subscriber group access to a database having stored profile information (Figure No. 2, Elements 202, 208, 246, 250 and 258 and corresponding text; see also Col 5, Lines 23-32);

registering profile information from said subscribers into said database (Col 5, Lines 23-32, i.e. the system stores this and other subscription information);

grouping said subscriber group with at least two of said fellow subscribers group to form at least one group based on similarity (Col 25, Lines 1-11, i.e. "within the group"; see also "after selecting a club, a user can specify his acceptance criteria data within the club"; see also Col 5, Lines 23-32, i.e. degree of matches; see also Col 6, Lines 3-8; and see Col 8, Lines 23-30) wherein multiple fields in each of said subscribers profiles are similar (Figure No. 4 and corresponding text; see also Col 20, Lines 55-67)¹; and

communicating said subscribers of said group to said subscribers (Col 20, Lines 30-37; see also Col 24, Lines 36-38)².

Regarding Claim 24, Olivier discloses having the similarity values between subscribers exceed a threshold value (Col 18, Lines 5-17; see also Col 19, Lines 58-59, i.e. *Rather than the previously described 100% match*; see also Col 8, Lines 27-30)³.

¹ Please note that the Claim language is referring to the similarity of subscribers profile fields, which are similar by default, as the subscribers are going to see the same form that contains the same fields, such as Figure No. 4. The Examiner would like to bring the Applicant's attention to the fact that the fields are and should be similar, but the content of these fields may be different according to user's preferences.

² Please note that Sutcliffe's reference also discloses the display feature of the current claim, please see (Col 3, Lines 15-17; see also Figure 5, Element 108).

³ Please note that the 100% mentioned in Col 8, Line 28 and other locations thought the reference is the threshold that was referred to in Col 19, Lines 58-59.

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Regarding Claims 27 and 28, Olivier discloses selecting meeting time and notifying said subscribers of meeting time (Figure No. 9, Element 522 and 526; see also Col 10, Lines 28-30; see also Col 24, Lines 23-47⁴).

Regarding Claim 29, Olivier discloses posting real-time dialog between said subscribers (Col 24, Lines 23-47, i.e. online chat).

Regarding Claims 30 and 31, Olivier discloses deleting and adding subscribers (Col 12, Lines 8-24, i.e. adds; see also Col 14, Lines 15-18, i.e. removing subscribers and Lines 23-28; see also Col 17, Lines 57-64, i.e. removed).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-3, 6-10 and 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew B. Sutcliffe (U.S. Patent No. 6,249,282 and Sutcliffe hereinafter) in view of Michael Olivier (U.S. Patent No. 6,480,885 and Olivier hereinafter).

⁴ Please note that online chat with an individual or a group in a chatting session would also read on this limitation, as the information regarding meeting time can be typed in the chat window, and once it is sent

Regarding Claims 1 and 35, Sutcliffe discloses:

providing access to a database of profile information (Figure 1, Element 22 and corresponding text)

registering profile information in the database (Figure 3A, Element 200 and 202 and corresponding text)

Although Sutcliffe discloses matching one user with another and that the result of the match can be ordered (as in sorted) (Col 2, Line 65 through Col 3, Line 3) which indicates that the result of the match is really a list or a group of users or subscribers with similar characteristics, yet Sutcliffe's reference does not explicitly indicate the multiple fields, grouping said subscriber with at least two said fellow subscribers to form at least one group, wherein all the subscribers' profile in said group are similar to each other; and the limitation of communicating said subscribers of said group to said subscribers and to better address all the limitations of the claim, the Examiner is combining a second reference for Olivier.

Olivier teaches:

multiple fields (Figure No. 4, Element No. 402, 406, 412 and 416)

then all the subscribers if the chatting session will be able to see the information.

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grouping said subscriber with said at least two of said fellow subscribers to form at least one group based on similarity (Col 15, Line 52 through Col 16, Line 10; see also Col 14, Lines 62-65; see also Col 20, Lines 30-35);

wherein said multiple fields in each subscriber's profile are similar (Col 20, Lines 55-66, i.e. meet all three sets of acceptance criteria); and

communicating said subscribers of said group to said subscribers (Col 20, Lines 30-37; see also Col 24, Lines 36-38)⁵.

Given the intended broad application of the Sutcliffe system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Sutcliffe with the teachings of Olivier to form a group of three or to match at least two users to another one and display the group on a display, as one would like to present the most matches with the best results to the user and at the same time provide the user with a better flexibility in the system to have more than one or two users or subscribers in the group, for instance in a discussion group, increasing the flexibility would lead to a more successful discussion by having more than one or two opinions to participate.

Regarding Claim 2, Sutcliffe discloses biographic information of the subscriber (Figure 2A, Element No. 50, 54 and 54A).

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Regarding Claim 3, Sutcliffe discloses personal preferences of the subscriber (Figure 2A, Element No. 52).

Regarding Claim 6, the limitation of this claim has been noted in the rejected claim 1, above. It is therefor rejected as set forth above.

Regarding Claim 7, Olivier discloses utilizing subscriber's own matching criteria for establishing an acceptable level of similarities (Col 19, Lines 56-58).

Regarding Claim 8, Olivier discloses

selecting meeting time (Col 10, Lines 28-30)

notifying said subscribers of meeting time (Col 10, Lines 31-33).

Regarding Claims 9 and 10, Olivier discloses posting messages and real-time also (Col 25, Lines 32-34).

Allowable Subject Matter

15. Claims 4-5, 20, 22 and 32-34 are allowed over the prior art of record.

16. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

⁵ Please note that Sutcliffe's reference also discloses the display feature of the current claim, please see

Regarding Claims 4, 20 and 32-34, Applicant's particular Method for grouping subscribers by common preferences is grouping said subscriber with at least two of said fellow subscribers by applying an algorithm to determine a level of similarity between said subscriber and said fellow subscribers, wherein preference disclosed in said subscriber's profile information are assigned integer values concatenated to form a lookup key, and used to access an entry in a table containing the corresponding similarity value between the two preferences; and the limitation of summing similarity values for all profile preferences to create a final similarity total for said subscribers in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art.

Dependent Claim 5, being further limiting to independent Claim 4; dependent Claim 22, being further limiting to dependent Claim 21, definite and enabled by the Specification are also allowed.

Dependent Claim 21, would be allowable if rewritten to overcome the minor informality rejection stated above in this Office action.

Points of Contact

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314

Haythim J. Alaubaidi


FRANTZ COBY
PRIMARY EXAMINER

Patent Examiner
Technology Center 2100
Art Unit 2161
March 4, 2005